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In re Application of
MANIQUE RODRIGUEZ, Manuel et al.

Application No. 10/539,520

PCT No.: PCT/ES2003/000632

Int. Filing Date: 15 December 2003

Priority Date: 18 December 2002

Attorney Docket No.: ABG 3003

For: ELECTRODE-BEARING GUIDE,
COCHLEAR IMPLANT COMPRISING
SAID GUIDE AND PRODUCTION
METHOD THEREOF

DECISION

ON PETITION UNDER

37 CFR 1.181

This is a decision on applicants' "Petition to Correct Notification of Missing Requirements," filed on 13 December 2007.

BACKGROUND

On 03 March 2008, the Office mailed Decision On Petition Under 37 CFR 1.181, granting applicant's petition in part and dismissing it in part.

On 04 March 2008, the Office mailed Notification of Acceptance (Form PCT/DO/EO/903), indicating that the application has a 35 USC 371 (c)(1), (c)(2) and (c)(4) date of 13 December 2007.

On 21 April 2008, applicant filed this renewed petition.

DISCUSSION

Applicants claim to have supplied a declaration of the inventors on 29 July 2005, but the declaration is not present in the file, though the remainder of the alleged transmission is. A petition to accept a copy of what applicant claims was earlier submitted must be accompanied by a copy of the submission and proof of the earlier submission.

Here, applicants claim to have submitted the declaration of the inventors on 29 July 2005 and to have had it returned to them. Applicants have now provided the copy they claim was returned to them that bears the receipt stamp of the Office. The stamp indicates that it was received by the USPTO on 29 July 2005 at 4:17:09 PM. This is adequate evidence of actual receipt by the Office.

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.181 to vacate the Notification of Missing Requirements (Form PCT/DO/EO/905) and to accord an earlier date of 29 July 2005 under 35 USC 371(c)(1), (c)(2) and (c)(4) is **GRANTED**.

The Notification of Missing Requirements (Form PCT/DO/EO/905) mailed 27 November 2007 is **VACATED**.

The Notification of Acceptance (Form PCT/DO/EO/903) mailed 04 March 2008 is **VACATED**.

This application is being forwarded to the National Stage Processing Branch of the Office of Patent Application Processing for further processing consistent with this decision, including mailing of a corrected Notification of Acceptance. The application has a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 29 July 2005.

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